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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/828,491	04/21/2004	Matthew York	116445-4	4851
29180 7590 10/17/2007 BELL, BOYD, & LLOYD LLP P.O. BOX 1135 CHICAGO, IL 60690			EXAMINER TANG, SON M	
			ART UNIT 2612	PAPER NUMBER
			MAIL DATE 10/17/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/828,491	Applicant(s) YORK ET AL.	
	Examiner Son M. Tang	Art Unit 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ueno et al. [US 6,989,742].

Regarding claims 1, 3-5, 7, 9-11, 13, 15-17 and 19-20: Ueno et al. discloses an automatic health monitoring system comprising:

-a regularly accessed device (i.e. air conditioner, refrigerator, microwave oven and etc. see Fig. 45), determining a normal access pattern based upon at least part of a user's history of accessing the regularly accessed device (met by a daily activities template determination, wherein, unit 33 averaging and normalizing the input patterns of the sensors (25a-25c) to produce local time interval (maybe within 24 hrs as a daily activities) (see Figs. 1-5, col. 3, lines 1-21 and col. 7, lines 3-46), and determine abnormality report to healthcare provider met by nursing-care center (50). Ueno et al. does not specifically show that the access device (sensor 25) detects a second access is made within said time interval of a first access. Since, Ueno et al. disclosed that sensors detected an unusual activity (abnormal condition) in time interval (see Fig. 27, col. 12 lines 20-26 and col. 15, lines 49-67 and col. 16, lines 1-11), including not use the appliance or unusually use the appliance within the sample time interval. The system determines whether the person is not access, the appliances such as toilet, oven or refrigerator etc. based

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upon the time of the last used (maybe yesterday or within 24 hrs.). Therefore, It would have been obvious of one having ordinary skill in the art at the time of the claimed invention to recognize that to determine abnormal activity within the household, is base upon the detection of a first access to the appliance and a second access to the same appliance again within the time interval.

Regarding claims 2, 8 and 14: Ueno et al. does not specifically disclose that the regularly accessed device is a temperature controlled compartment. However, Ueno et al. discloses that the access devices are household appliances (see Fig. 45), which includes an air conditioner (180a), which relates to temperature control. Therefore, it is obvious of one having ordinary skill in the art that accessing the air conditioner would interactive with the temperature control compartment to change the temperature setting.

Regarding claims 6, 12 and 18: Ueno et al. discloses a system monitor the use of home appliances (accessed device), but does not specifically mention about backup power source for the home appliances. It is common for home appliances having a backup power source (such as battery) to prevent power outage. Therefore, it would have been obvious of one having ordinary skill in the art that home electrical appliance such as radio, emergency light or phone is included backup power source, to prevent any interrupting when main power failure.

Response to Arguments

3. Applicant's arguments filed 7/22/07 have been fully considered but they are not persuasive. Examiner presented a new ground of rejection due to the necessitated by the applicant's amendment.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Yoshiike et al. [US 6,211,787], Cuddihy et al. [US 7,242,305], Uchida et al. [US 6,696,956], Lane et al. [US 6,002,994] and Kutzik et al. [US 6,108,685].

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son M. Tang whose telephone number is (571)272-2962. The examiner can normally be reached on 5/8.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on (571)272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Son Tang


BENJAMIN C. LEE
PRIMARY EXAMINER